

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

BERNARD MATHIS, #72950

PLAINTIFF

V.

CIVIL ACTION NO. 3:20-CV-407-KHJ-MTP

RONALD WAYNE KING, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge LaKeysha Greer Isaac. [29]. That Report recommends that the Court grant Defendants Ronald King, Denise Bone, Joann Shivers, and James Miller's Motion to Dismiss [25]. Written objections to the Report were due by February 15, 2022. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636.

When no party has objected to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). In such cases, the Court can apply the clearly erroneous, abuse of discretion, and contrary to law standards of review. *See United States v. Brigham*, 569 F.3d 220, 228 (5th Cir. 2009) (citation omitted).

Plaintiff Bernard Mathis brings this § 1983 claim against Defendants, alleging wrongful detention in violation of his constitutional rights. *See* Compl. [1]; Resp. to Order [16]. Mathis alleges the case convicting him was set aside, but he

was resentenced and is now wrongfully held in custody. [1]. Mathis states that he was never convicted in state court in cause number L14-103, that “[i]t was dismissed[, and] Mathis never served a term of imprisonment for a conviction,” and that “*State v. Mathis*[,] cause number L14-103[,] was declared invalid by a state tribunal.” [16]. After reviewing his Complaint, the Magistrate Judge recommended that the Court grant the motion to dismiss, finding Mathis failed to state a claim and that *Heck v. Humphrey* bars the claim. [29] at 7. Mathis did not object to the Recommendation, and his time to do so has passed. The Court finds the Report and Recommendation is not clearly erroneous or contrary to law. The Court adopts the Report and Recommendation as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [29] of United States Magistrate Judge LaKeysha Greer Isaac, entered in this cause should be, and the same is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Defendants’ Motion to Dismiss [25] is granted, and this case is DISMISSED.

SO ORDERED AND ADJUDGED this the 22nd day of February, 2022.

s/ Kristi H. Johnson  
UNITED STATES DISTRICT JUDGE